

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 646 OF 2003

CHOWGULE COMPANY LTD.,

....Petitioners

Versus

STATE OF GOA AND ANR.,

....Respondents

SHRI M.S. SONAK,

Coram:- A.M.KHANWILKAR &
P. V. HARDAS, JJ.

Date:- 17th December, 2003

P.C.:

Heard both sides. By this Writ Petition, under Article 226 of the Constitution of India, the petitioners are challenging the stop work notice, issued by respondent no.2, dated 24th November 2003. By way of amendment, the petitioners are also challenging the validity of notification, dated 1st June 1999, issued under Section 18 of the Wildlife Protection Act, 1972. From the averments in the Writ Petition, it is crystal clear that wider issues including regarding correctness of Section 18 notification has been raised by the respondents before the Supreme Court by way of Interlocutory Application in Writ Petition No.337 of 1995. It is also brought to our notice, by the learned Advocate General, that the

impugned stop work notice has been issued by the respondent no.2, only in compliance of the direction, issued by the Central Empowered Committee, on 7th November 2003, which Committee has been constituted by the Apex Court, vide Order, dated 9th May 2002, in Writ Petition (Civil) No.202 of 1995. Learned Advocate General has also placed before us a copy of the Order passed by the Apex Court, dated 16th December 2002, in Interlocutory Application No.828 and connected cases.

2. In this view of the matter, we decline to exercise writ jurisdiction. Instead, we keep the remedy of the petitioners of taking recourse to appropriate proceedings open, so as to enable the petitioners to approach the Central Empowered Committee in terms of Order passes by the Supreme Court, dated 9th May 2002, or the Apex Court, if so advised.

3. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.

P. V. HARDAS, J.